

United States District Court

For the Northern District of California

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6 LORENZO MENDOZA MARTINEZ, ELIEZER
7 MENDOZA MARTINEZ, ELIU MENDOZA, and
8 GLORIA MARTINEZ MONTES,

10 No. C 11-03194 WHA

11 Plaintiffs,

12 **ORDER DENYING
MOTION TO SEAL**

13 v.
14 AERO CARIBBEAN, EMPRESA
15 AEROCARIBBEAN S.A., CUBANA DE
AVIACION S.A., and ATR,
16 Defendants.

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18 On April 6, 2012, plaintiffs Lorenzo Mendoza Martinez, Eliu Mendoza, Eliezer Mendoza
19 Martinez, and Gloria Martinez Montes, filed an administrative motion to file their memorandum
20 and specified exhibits in support of their supplemental opposition to defendant's motion to
21 dismiss under seal (Dkt. No. 35). The aforementioned documents are either documents
22 designated as confidential by defendant GIE Avions de Transport Regional ("ATR") or
23 documents discussing documents designated as confidential by defendant ATR.

24 Defendant ATR filed a responsive declaration stating that Exhibits F, G, H, and K to the
25 Malloy declaration in support of plaintiffs' supplemental opposition to defendant's motion to
26 dismiss may be unsealed. Defendant also indicated that the portions of Exhibit B to the Malloy
27 declaration, which were designated as confidential, may be unsealed. Additionally, defendant
28 has stated that plaintiffs' redacted supplemental opposition may be filed without redactions.

Defendant ATR seeks to seal only Exhibits I, J, and L. Compelling reasons are required to seal documents used in dispositive motions. *See Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

4 There is not a compelling reason to seal Exhibits I and J. Exhibit I is the sale and
5 purchase contract between defendant ATR and Air Lease Corporation. Exhibit J is the heads of
6 agreement between Air Lease Corporation and ATR. Defendant ATR contends that the exhibits
7 should be sealed because “they contain what ATR believes to be sensitive confidential and
8 proprietary information that, if publicly released, could significantly and negatively impact
9 ATR’s competitive position in the aircraft marketplace” (Dkt. No. 42 at 2). Additionally,
10 defendant states that the documents were “part of an overall contract between defendant ATR
11 and Air Lease Corporation for the sale and purchase of ATR aircraft, which itself has a
12 confidentiality provision governing its terms” (*id.* at 3). Defendant has not provided a
13 compelling reason to seal this information at the motion to dismiss stage.

14 There is not a compelling reason to seal Exhibit L, which is a spreadsheet prepared by
15 defendant ATR containing information related to its aircraft component parts suppliers from
16 California. The document includes the total amount in Euros that each listed supplier received
17 for component parts purchased in 2011 by ATR. Defendant ATR seeks to seal this document
18 because it “believes that release of this highly sensitive financial information would significantly
19 and negatively impact ATR’s competitive position in the aircraft marketplace” (*ibid.*) This is not
20 a compelling reason to seal this information at the motion to dismiss stage.

21 The motion to seal is **DENIED**. All documents shall be filed in the public record.

23 || IT IS SO ORDERED.

25 || Dated: April 18, 2012.

**WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE**